

SEP 28 2006

at 3 o'clock and 55 min. P.M.
SUE BEITIA, CLERK

ORIGINAL
EXHIBIT 10

NOTICE OF MOTION

TO: Marshall H. Silverburg
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

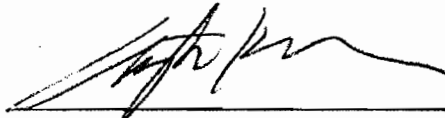
PLEASE TAKE NOTICE that the following motion will be heard
before the Honorable DAVID EZRA, in his courtroom in the United States
Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on _____ at
_____, or as soon as counsel may be heard.

COMES NOW the defendant, SAMUEL K. KAAUWAI III, through
counsel, Clayton Kimoto, and moves this Honorable Court to continue the
sentencing of the captioned matter from the present sentencing date of October 16 ,

2006, to the end of January, 2006.

This motion is based upon the attached Declaration of Counsel and such additional evidence as shall be adduced at a hearing on the merits.

DATED: Honolulu, Hawaii, September 27, 2006.

A handwritten signature in black ink, appearing to read 'Clayton Kimoto', is written over a horizontal line.

CLAYTON KIMOTO
Attorney for Defendant
SAMUEL K. KAAUWAI III

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
vs.)	
)	
SAMUEL K. KAAUWAI, III,)	
)	
)	
)	
Defendant.)	
)	
)	
)	
)	
)	
)	

DECLARATION OF COUNSEL

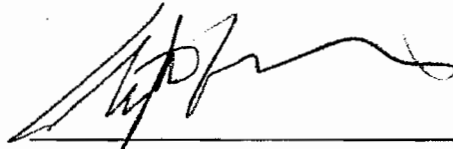
I, CLAYTON KIMOTO, hereby declare as follows:

1. I am counsel for defendant, Samuel K. Kaauwai III.
2. I was recently appointed to the case on September 21, 2006.
3. Sentencing is presently set for October 16, 2006. Counsel needs more time to familiarize himself with the case. Counsel has not yet reviewed the files and discovery for the case.

4. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, September 27, 2006.

A handwritten signature in black ink, appearing to read 'Clayton Kimoto', is written over a horizontal line.


CLAYTON KIMOTO
Attorney for Defendant
SAMUEL KAAUWAI III

CERTIFICATE OF SERVICE

I, CLAYTON KIMOTO, hereby certify that a true and exact copy of the foregoing document was duly mailed and/or hand-delivered to the following on September 28, 2006.

Marshall H. Silverburg, Asst. U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd., Box 50183

DATED: Honolulu, Hawaii, September 27, 2006.



CLAYTON KIMOTO
Attorney for Defendant
SAMUEL KAAUWAI III

Abing, Cheri (USAHI)

From: hid_resp@hid.uscourts.gov
Sent: Friday, September 29, 2006 7:12 AM
To: hawaii_cmecf@hid.uscourts.gov
Subject: Activity in Case 1:03-cr-00248-DAE USA v. Kaauwai "Motion to Continue "

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U.S. District Court

District of Hawaii - CM/ECF V2.5 (11/05)

Notice of Electronic Filing

The following transaction was received from Clayton K. Kimoto entered on 9/29/2006 at 7:11 AM HST and filed on 9/28/2006

Case Name: USA v. Kaauwai
Case Number: 1:03-cr-248
Filer: Dft No. 1 - Samuel M. Kaauwai, III
Document Number: 58

Docket Text:

(Notice of Motion;) MOTION to Continue Sentencing - by Samuel M. Kaauwai, III. (Attachments: # (1) Declaration of Counsel# (2) Certificate of Service)(emt,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=9/29/2006] [FileNumber=159301-0]
[412f9906d2af1f6acb1e7924bdd2d23289a759914187a2e996f36dd90942e574d50b
2bca3ae742e588822da61c112a658821763c2c63273bcb99b95fd085419d]]

Document description:Declaration of Counsel

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=9/29/2006] [FileNumber=159301-1]
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Document description: Certificate of Service

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=9/29/2006] [FileNumber=159301-2]
[78ee9ecfe863766d675c9b384ac2d96ab38c18f4580c594da249d8875522c1f9782a
9a873b46a4b047203f95ef69cf2397da9aed1f02770bedfe234b138a40a9]]

9/29/2006

1:03-cr-248-1 Notice will be electronically mailed to:

Clayton K. Kimoto ckimoto@hawaii.rr.com

Marshall H Silverberg marshall.silverberg@usdoj.gov, cheri.abing@usdoj.gov;
USAHL.ECFMajorCrimes@usdoj.gov

1:03-cr-248-1 Notice will be delivered by other means to:

9/29/2006